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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,865	04/16/2004	Edgar Hommann	34206/US	8185

7590 10/14/2009  
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DORSEY & WHITNEY LLP  
Intellectual Property Department  
50 South Sixth Street, Suite 1500  
Minneapolis, MN 55402-1498

EXAMINER
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GILBERT, ANDREW M

ART UNIT	PAPER NUMBER
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3767

MAIL DATE	DELIVERY MODE
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10/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Acknowledgments***

1. This office action is in response to the after final amendment filed on 10/1/2009.
2. The reply has been entered.
3. In the reply, the applicant amended claim 1 to incorporate the recitations of claim 6 which was indicated as containing allowable subject matter.
4. The applicant additionally added claims 19-44 with claims 19 and 32 being independent and incorporating recitations of previously presented claim 1 and claim 15, which were both indicated as containing allowable subject matter.
5. Thus, claims 1-5, 7-11, 13-14, 16, 19-44 are pending for examination.

### **EXAMINER'S AMENDMENT**

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Bruhn on 10/7/2009.

The application has been amended as follows:

Claim 19, In 4 after "a medicament reservoir"

--a needle;-- has been added.

Claim 19, In 5

“a drive system for expelling a dosage of the medicament from the reservoir” has been deleted.

--a drive system for expelling multiple dosages of the medicament from the reservoir through the needle;-- has been added to replaced it.

***Allowable Subject Matter***

7. Claims 1-5, 7-11, 13-14, 16, 19-44 are allowed.

***Conclusion***

8. This application is in condition for allowance except for the following formal matters:

***Information Disclosure Statement***

9. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. The applicant has several references listed and discussed in the specification that have not been properly listed on an information disclosure statement. There is a plurality of references not listed on information disclosure statement. For example, see 2003/0123215 in paragraph 11, 6648914 in paragraph 18, 5986876 in paragraph 23 and so on.

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**Specification**

10. The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

11. See DE 100 04 314 A referenced in paragraph 22 of the original specification (note: this reference has also not been listed in an IDS nor has a copy been provided to the Examiner).

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW M. GILBERT whose telephone number is (571)272-7216. The examiner can normally be reached on 8:30 am to 5:00 pm Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew M Gilbert/  
Examiner, Art Unit 3767

/Kevin C. Sirmons/  
Supervisory Patent Examiner, Art Unit 3767